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HARVARD COLLEGE
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THE GIFT OF
SAMUEL ABBOTT GREEN, M.D.,
OF
BOSTON
(Class of 1851),

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MEMOIR

OF

JOHN PLUMMER HEALY, LL.D.,

LATE CITY SOLICITOR AND CORPORATION COUNSEL

With Compliments of

Godfrey Morse.

GODFREY MORSE, LL.B.

PRINTED BY ORDER OF THE CITY COUNCIL.

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JOHN P. HEALY.

EARLY in the present year the citizens of Boston were called upon to mourn the loss of one of their most respected, faithful, and efficient public servants. JOHN PLUMMER HEALY, LL. D. (Dart., 1871), who died on the fourth of January, 1882, was born at Washington, N. H., on the twenty-eighth day of December, 1810. He was the son of a distinguished citizen of New Hampshire, Hon. Joseph Healy, who served his State as State Senator (1824), as Representative in the Congress of the United States (1825–1829), as State Councillor (1829–1832), and who died October 10, 1861, at the advanced age of eighty-five years.

The subject of this sketch passed his early boyhood in his native town, which he loved dearly, and to which, in after years, he made frequent pilgrimages. Here, on its beautiful hills, in its pleasant valleys, through its dense and delightful forests, he romped and played, as boys are everywhere wont to do; and in its quiet streams he delighted to fish and swim. Here he breathed in that pure and refreshing air which gave strength to his frame and vigor to his mind. Here, too, he received his elementary education and training. His classics and the other requisites for admission to Dartmouth College he acquired in the Plainfield Academy, N.H. He was an intelligent, studious, and sensible lad, and entered his *alma mater* in 1831, when he was nearly twenty-one years of age.

Healy was soon well known among his fellow-students, and became the universal favorite of his class; his ways and manners were sometimes old-fashioned for a young man of his years, and he was known throughout the college as "old man Healy." His mind was even then well matured, and his

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physical development strong and sturdy. He was exceptionally popular with his own classmates, and was, by many of them, made the depository of college secrets. His advice was often sought by students whose scrapes had endangered their stay in college; and some of these classmates, after nearly fifty years have passed away, tell to-day how "old man Healy" helped them out of their troubles.

At college young Healy entered into no sports that required physical exertion. While other students enjoyed their game at foot-ball, or tried their skill at the oar, Healy amused himself by looking on. He had no inclination to participate in these healthy pastimes; but in sports in which he had neither to run, jump, or otherwise exert himself, he was among the foremost. He was then, as in later years, a hearty, honest, good-natured young man, with a natural turn for the humorous, and apt power of illustration and anecdote.

Favorite as he was with his fellow-students, he was highly esteemed by the college authorities, and very much appreciated by them. The late Professor Charles B. Haddock, especially, took a strong liking to Healy, and a very close friendship grew up between the professor and student, which may possibly have had an effect upon Healy's subsequent career.

In 1835 Healy graduated, and almost immediately after began the study of law in Daniel Webster's office, in Boston. Since the death of Webster it has often been asked how it was that Healy studied in his office, and afterward became the law partner of the "great expounder." Possibly the fact that Professor Haddock, who was related to Mr. Webster, had recommended his young friend to his relative, or the fact that Mr. Healy's father was a distinguished public man in New Hampshire, and was well acquainted with Mr. Webster, induced the latter to take under his patronage the young Dartmouth college graduate. Be that as it may, the

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intercourse and intimacy between the two men became so close that it only ended with the death of the elder. At the time that Healy first began his law studies with Mr. Webster, the latter was representing Massachusetts in the Senate of the United States for his second term, and was in the very prime of his political and professional fame. His speech, in reply to Hayne, on the famous resolutions of Mr. Foot, of Connecticut, delivered on January 26 and 27, 1830, has never been excelled as the greatest forensic effort on the floor of the Senate, even by Webster himself, and easily won him the name of the greatest orator and statesman in the Union; and his arguments on the Dartmouth College (1818) and Warren Bridge (1837) cases, established his title as the foremost lawyer of the land.

Association with so great a man, in the greatness of his intellectual powers, must have had an effect on the mind of the young law-student, and soon after his admission to the bar, in 1838, we find him assisting Mr. Webster in the preparation and trial of his great causes, and following his political faith and fortunes. Mr. Healy was elected to the Massachusetts House of Representatives, as a Whig, in 1840, and again in 1849 and 1850, and served each session with fidelity and distinction; and in 1854 he represented a part of Boston in the State Senate, serving as Chairman of the important Committee on Railways and Canals, and on the Committees on Towns and on Education.

Soon after Mr. Healy's admission to the bar he became the partner of Mr. Webster, and during the most of the years that the partnership continued Mr. Webster was almost constantly in Washington, either in the Senate or in the Cabinet, and Mr. Healy was much relied on by his senior for the laborious work of preparing the cases Mr. Webster had in charge, and for the business detail of their management. "This relation of the parties," wrote a leading Boston paper in its obituary notice of Mr. Healy, "was

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more than professional and formal; it was sympathetic and filial. Mr. Webster reposed unbounded confidence in his associate, and appreciated at its just value the native sagacity and legal acumen of the young counsellor. In Mr. Webster's absence from the city, during his official terms at Washington, the law business at home was entrusted to the junior, with due consultation between the two by mail regarding important issues or contingencies that might arise."

So high an appreciation had Mr. Webster of the legal attainments of his junior, that, while he was Secretary of State under President Fillmore, he procured Mr. Healy's appointment as Judge of the United States District Court for the District of California. From the same paper above quoted we take the following version of his declining the office, only adding that it is such an example of sincere filial affection as is rarely equalled, if ever excelled: —

Mr. Healy hesitated much as to accepting; but being warmly urged by friends in whom he reposed confidence, at length decided affirmatively in the matter, and made preparations to leave for the distant but promising field of professional opportunity thus opened to him. To tell how he came to recall that decision will be to present not only a biographical fact in its proper order, but will vividly illustrate a salient personal trait. Mr. Healy's father was the Hon. Joseph Healy, a man of distinction and influence in New Hampshire, and representative in Congress of that State during several terms. At the time referred to he was a man of venerable years, and withdrawn through decrepitude from all active pursuits. His son's appointment and his purpose to accept it had been made known to him, so that, when the son came to the ancestral home for the final leave-taking, he brought no surprising intelligence. The old man had decided upon it as a wise step for his son to take, and upon their meeting so advised him, saying: "My son, you must go; it is your duty to go." In giving utterance to the counsels of wisdom he could not restrain the promptings of affection, and burst into tears. It was the turning-point of the whole affair, for filial considerations instantly became dominant in the young man's mind, and the desire of Webster, the urging of professional friends, and the prospects of a career of the highest honor, ceased to have weight before the old man's involuntary appeal. Mr. Healy resolved to remain at Boston so long as his father should live. Much as he will be lamented

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by those with whom he has held professional and business relations, it is with those who have, in more intimate relations, come to know the tender sensibilities of the man, and that loveliness of personal character which this anecdote bespeaks, that his loss will most deeply be felt.

During a few years following Mr. Webster's death Mr. Healy continued to practise law in his office at the corner of Court and Tremont streets, in Boston; but in 1856 he was chosen City Solicitor to succeed Hon. Ambrose A. Ranney. For twenty-five years, whatever was the political complexion of the City Council, he was each year reëlected; and last year the office of Corporation Counsel was especially created for him. There is but one opinion in the public mind as to his administration of the office of City Solicitor, and that is, that he discharged all its duties in a conspicuously wise, honest, able, and successful manner. His firmness and strong sense of right, and the faith in, and respect for, his unflinching honesty, conduced much to maintain the proud eminence of Boston for municipal integrity and honor among her sister cities on this continent. Twenty-five consecutive elections bear witness to the faith which many successive City Councils had in him.

He was most constant in his attendance in his office, and seldom even took a day's vacation, or absented himself from the city. He was most courteous to all who came in official relation with him; and no one ever left his presence without being impressed with his absolute honesty. He was kind to all his associates and subordinates, and was tender and forbearing to the young men connected with his office. His was one of those natures which never suspected wrong in any one.

His mind was, however, thoroughly masculine, and, although not a lawyer who indulged in constant reading of law books or reports, he was thoroughly grounded in the underlying principles of the law, and had the faculty of applying these principles to his cases whether at *nisi prius* or in an

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argument on questions of law before the full bench. No man had a better knowledge of, or more experience on, questions of municipal law than he; and his opinions were sought and acquiesced in by many cities and towns outside of Boston. His arguments before court or jury were generally short, and he always took in and stated the sensible and salient points. His power before juries was remarkable; and, in the opinion of the Chief Justice of the highest court of this Commonwealth, was peculiarly effective. He used none of the devices of rhetoric; his address to the jury was plain, open, honest talk, as between neighbors. He thus gained their good-will and attention; and, as his integrity was known to all, their confidence and favorable verdicts followed. The courts all recognized the same traits of his character; and, as he was never known to argue frivolous exceptions, he was always listened to with closest attention and interest.

When Mr. Healy first became City Solicitor the Supreme Court leaned much in favor of plaintiffs in suits for damages caused by falling on slippery sidewalks. By persistently insisting that cities and towns were not responsible for climatical conditions, the court was induced to modify its previous opinions on this class of cases, so that now cities and towns are freed from liability in a large number of cases in which they had previously been held to be responsible for accidents.

His opinions on questions arising in the various departments of the city government were sound, and always fearlessly given, having regard only for the right, and never caring whether they favored friend or foe.

The action of the various public bodies with which he was connected exhibits the universal esteem in which Mr. Healy was held.

Mr. Healy's domestic life, until its very latest years, was of that happily uneventful type, many years of which can be sufficiently described in a few short sentences. Upon his

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first coming to Boston he made his home at the house of Mr. Jedediah Barker, in Province court, where he and Mr. Oliver Ditson were room-mates up to the time of the latter's marriage, nearly ten years later; and the intimate friendship between the two continued throughout Mr. Healy's life. In December, 1847, Mr. Healy married Mary Stickney, Mr. Barker's only daughter, who survives him. Their only child, Joseph, was born on August 6, 1849, and by his life at school, at college, and in his profession, more than justified the pride and fulfilled the hopes of his parents and friends. To Joseph, in 1878, was born a daughter, a source of ever-increasing interest and delight to her grandfather, and early in 1880 it would have seemed that nothing could be added to the comforts and pleasures of Mr. Healy's serene old age. In April of that year a sickness lasting less than three days brought the idolized son down to death; and to many who knew them both it seemed inevitable that the heart of the father should be buried in the grave of the son. Mr. Healy was not a man to talk of his griefs; he seldom alluded to his loss, and some intimate friends who had known him in former years as a genial companion again at rare intervals enjoyed his shrewd humor and rare conversational powers. But that a change had come over him was only too evident. He mingled with the world even less than he had done before, and when his own summons came, and came suddenly, as he had always reverently hoped it might, the grief of those who mourn him was tempered by the thought that he had gone to meet his boy.

The funeral services were held at Mr. Healy's late residence on Temple street, on Saturday, January 7, 1882, at one o'clock, and were attended by Mayor Green, and a number of Aldermen and Common Councilmen and city officials, several ex-mayors, a very large number of legal gentlemen, including the Chief Justices of the Supreme Judicial Court and of the Superior Court, and others well

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known in other professions. The services were conducted by the Rev. S. K. Lothrop, D.D., who spoke of the sudden death, within so short a time, of two men[1] alike eminent and honored in their common profession, to the elder of whom they had gathered to pay tribute. If, said he, the "honest man is the noblest work of God," then Mr. Healy was among the noblest of the noble. He was so thoroughly honest as to be respected, confided in, and relied upon. He had as few faults as commonly belong to humanity; and to be just, to do right, and to preserve his own personal integrity and the honor of the city unspotted, was the law of his life, and faithfully and unflinchingly he obeyed it. His heart was as warm as his head was cool, and his judgment wise and comprehensive. His death has left a vacancy difficult to fill. In his opinions and religious convictions he was conservative, but not narrowly so. His life and convictions rested upon deeds rather than words, and should be an admonition to us to be as faithful, true, and persevering as he was, that we may be prepared for the end, which sooner or later must come to all of us.

At the conclusion of the services the remains were taken to Mount Auburn, His Honor Mayor Green and Messrs. Samuel F. McCleary, Henry C. Hutchins, Henry W. Paine, Oliver Ditson, and Benjamin P. Cheney acting as pall-bearers, and were placed in the family lot beside those of his son.

"And doubtless unto him is given,
A life that bears immortal fruit!"

[1] Judge John P. Putnam and Mr. Healy.

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APPENDIX.

ACTION OF THE CITY COUNCIL.

IN COMMON COUNCIL, Jan. 5, 1882.

THE DEATH OF THE CORPORATION COUNSEL.

The following was received: —

EXECUTIVE DEPARTMENT, Jan. 5, 1882.

To the Honorable the City Council: —

It becomes my sad duty to inform you that the Honorable John P. Healy, the Corporation Counsel, died yesterday at his residence. Mr. Healy's services to the city, covering a period of a quarter of a century, were so varied and valuable that I respectfully recommend that the event of his death should be noticed in some proper manner.

SAMUEL A. GREEN, *Mayor.*

The PRESIDENT. — The Chair awaits the pleasure of the Council.

Mr. WHITMORE. — It is my duty and privilege, Mr. President, having belonged for three years to the committee which had particular relations with Mr. Healy's office, to present at this time suitable resolutions of respect; and, in sending them to the Chair, I will say that I shall not undertake to add anything, because I know that others desire to bear a proper tribute to his memory. I would be happy myself to avail of this opportunity to say more, but I refrain, believing that I have given expression to my own feelings in the resolutions I have offered.

The President read the following: —

Resolved, That the City Council has heard with deep regret of the death of John P. Healy, the Corporation Counsel, who for twenty-five years consecutively filled the responsible post of City Solicitor of Boston.

Resolved, That the City Council hereby records its appreciation of the great professional skill with which Mr. Healy protected the interests of the city, of his unceasing and courteous attention to his duties as legal adviser of the Council, and of the many charming qualities of head and heart which made him the most agreeable of companions, as well as the safest of counsellors.

Resolved, That the City Clerk be instructed to forward a copy of these resolves to the widow of our friend, with the warmest assurance of our sympathy with her in her irreparable loss.

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Mr. Morse, of Ward 9. in seconding the resolutions, spoke as follows: —

Mr. President,—The announcement by His Honor the Mayor that the honored Counsellor of this city is dead fills me with profoundest sorrow, and I know that the members of this Council, as well as the citizens of Boston, will feel that a great loss has fallen upon us. His death was sudden and without apparent pain. He attended the dinner of the retiring Board of Aldermen on Saturday last, entertained company at his house on Sunday, was taken sick with congestion of the lungs on Monday, and last evening was no more among the living.

I am especially filled with sadness when I recall my last visit to this Council Chamber previous to my membership in this body. It was on April 20, 1880, when this body met to pay its homage of respect to the memory of Joseph Healy, the only child of the deceased, who was a member of the Council from Ward 10. From the loss of that only child, and most promising son, Mr. Healy never fully recovered

It was a terrible blow for one in his years, and for one so tenderly attached as he was to his only child.

John P. Healy was in the 72d year of his age when he died. He was born in the town of Washington, N.H., in the year 1810, and was educated at Dartmouth College, where he graduated in 1835. Immediately upon finishing his collegiate course Mr. Healy came to Boston, and entered the office of Daniel Webster as a student of law. Thereafter he was intimately associated with Mr. Webster in the practice of law until Mr. Webster's decease; and during the greater portion of the time was his partner in business. In 1856 Mr. Healy was elected City Solicitor, and from year to year has been constantly reëlected up to the time of his death. This marked selection of him as the legal adviser of this city was procured through no political influence, — no one cared how he voted, — but was a tribute to his abilities and learning on questions of municipal law, and to his sterling honesty. No public officer ever enjoyed more the respect of the community for his inflexible integrity than did he. Beside his family, whom he tenderly cherished, he had but one duty — his office; and often he neglected the former in his devotion to the latter. He was constant in his service; the city was his mistress, and he worshipped and served her more faithfully than knight ever served lady.

How true indeed of him the words of the great bard: —

> "O good old man, how well in thee appears
> The constant service of the antique world,
> When service sweat for duty, not for meed!
> Thou art not for the fashion of these times,
> Where none will sweat but for promotion;
> And having that, do choke their service up
> Even with the having: 'tis not so with thee."

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His honesty, simplicity, and purity of character and integrity were his distinguishing traits. He never compromised his principles for the sake of expediency or policy, but carried his convictions of justice, and honor, and right, into all his dealings.

He guarded the public interests intrusted in his hands with even more jealousy and care than he ever did his own private affairs. The public at large has little conception of what the City of Boston owes John P. Healy for his long and distinguished services as City Solicitor.

While we mourn his death, his life is worthy of emulation by all who have public interests confided to them. Mr. President, I second the motion for the adoption of the resolutions offered by the gentleman from Ward 12.

The resolutions were ordered to a second reading, and on motion of Mr. Lauten, of Ward 14, a rising vote was ordered on the question of their passage.

The resolutions were passed by a unanimous rising vote. Sent up.

Mr. Whitmore offered the following: —

Ordered, That the President and eight members of the Common Council be constituted a committee to represent this branch of the City Council at the funeral of the late John P. Healy, Corporation Counsel.

Passed; and Messrs. Parkman of Ward 9, Wharton of Ward 11, Huntress of Ward 11, Emery of Ward 18, Morse of Ward 9, Cotton of Ward 4, Whitmore of Ward 12, and Cummings of Ward 10, were appointed said committee.

Mr. Whitmore offered the following: —

Ordered, That the Joint Standing Committee on Rules and Orders be instructed to have prepared a suitable memoir of the late John P. Healy, and to insert the same in the Municipal Register for the current year.

Passed. Sent up.

ACTION OF THE BOARD OF ALDERMEN.

A special meeting of the Board of Aldermen was held Friday afternoon, January 6, 1882. In calling the Board to order, Mayor Green said: —

"Gentlemen, you have been called together to receive a communication from the Common Council in regard to the death of the Hon. John P. Healy. During a period of twenty-five years he was connected with the city government as its legal adviser, and it seems right and proper that some notice should be taken of his

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death." The Mayor read the executive communication announcing to the City Council the death of the Hon. John P. Healy, Corporation Counsel, with the resolutions which had been sent up for concurrence.

The question coming on the passage of the resolutions in concurrence, Alderman Slade said: "I wish that I was able to make the remarks that are due from a member of this Board of Aldermen on this occasion. Coming from the same State that Mr. Healy did, and having been raised in the immediate neighborhood where he was raised, probably my acquaintance with him will extend back farther than that of any other member of the City Council. I recollect that when I was quite a small boy Mr. Healy was a school-teacher in our neighborhood. Children are very apt to remember a very popular teacher, or one for whom they had great respect and love. That was the case with Mr. Healy. He was a very popular, pleasant, and efficient school-teacher. In the few years intervening between that and the time when I met him in Boston, I, of course, lost sight of him; but one of my first acquaintances in this city was Mr. Healy. He was the first and only man I ever called upon for legal advice, and his advice was always freely given. I think it was characteristic of Mr. Healy, as a lawyer, to give advice, to young men especially, without charge; and the advice that any person received from him could be relied upon. I think he was strictly honest in all his dealings with his fellow-men. I have been quite intimately associated with Mr. Healy for more than thirty years in Boston, especially since I have been in the City Council. In the work of the department of improved sewerage Mr. Healy stood at the back of the committee, and in every emergency has been our guiding-star, as you might say, all through. The committee had implicit confidence in him; and I believe we have never been mistaken in that confidence. I sat beside him at the dinner of the Board of Aldermen last Saturday evening. He was very happy in going over the events of his early life while teaching school, which I have mentioned, and seemed to remember the names of all the children and their parents as well as I, who had been there a great deal of my life, and to be gratified at learning what had become of them all. It was very pleasant to me to have that pleasure that evening, and with all others I regret that he has been called away so suddenly. With these few remarks, I move the adoption of the resolutions."

The resolutions were adopted unanimously by a rising vote. The Mayor, and Aldermen Slade, Hersey, and Haldeman were joined to the committee to represent the City Council at the funeral.

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ACTION OF THE BENCH AND THE BAR OF SUFFOLK COUNTY ON THE DEATH OF JOHN P. HEALY.

A largely attended meeting of the Suffolk Bar Association was held in the Supreme Judicial Court Room on January 6, 1882, to take action on the death of the late Hon. John P. Healy. Among those present were Attorney General Marston, Hon. Charles R. Train, Hon. Seth J. Thomas, District Attorney Stevens, J. H. Noble, Clerk of the Supreme Court; Clement Hugh Hill, Clerk of the United States District Court; Assistant District Attorney Dacey, Colonel Henry Walker, Hon. William G. Russell, Hon. Henry D. Hyde, Charles E. Pratt, Esq., Andrew J. Bailey, Esq., City Solicitor; Solomon Lincoln, Jr., M. F. Dickinson, Jr., Augustus Russ, Esq., Thomas J. Gargan, Esq., Hon. E. Rockwood Hoar, Hon. William Gaston, Colonel Isaac Hull Wright, J. Lewis Stackpole, Esq., R. M. Morse, Jr., Esq., John C. Dodge, Esq., Robert Codman, Esq., Charles Allen, Esq., Charles Theodore Russell, Esq., George O. Shattuck, Esq., Colonel E. P. Nettleton, N. F. Safford, Esq., Hon. Asa French, T. L. Wakefield, Esq., Chas. H. Swan, Esq., Godfrey Morse, Esq., Otis Norcross, Jr., Esq., Grenville H. Norcross, Esq. Besides these there were a large number of the younger members of the bar, and the assemblage was remarkable as being one of the most distinctively representative of the legal profession ever held in the court-house. General Marston called the meeting to order, and, after alluding to the circumstances which brought them together, called upon the Hon. Sidney Bartlett to preside. Caleb William Loring, Esq., was elected secretary. The Hon. Peleg W. Chandler presented a resolution, with these remarks: —

"Mr. Chairman, I have been requested by friends of Mr. Healy to prepare and present to this meeting a resolution. I have undertaken the duty with some hesitation, because there are many present who have come into more intimate relations with him of late years. But I have known our friend for nearly half a century. I preceded him in the important office which he held with such distinguished ability, and can testify of him at a period before a large majority of the bar were admitted to practice. There are older men than Mr. Healy now practising in this city. The Nestor of our bar (Long live the King!) precedes him by several years; but in continuous service here our deceased associate was among the first. Those of us who survive, and especially those who have been obliged by physical infirmity to relinquish active business in the courts, cannot but be sensibly touched by the numerous recent deaths of our active comrades, and are reminded of those mournful words of an old writer, 'Where now is Mowbray? Where is Mortimer? Nay, which is most of all, where is

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Plantagenet? They are entombed in the urns and sepulchres of mortality.'"

Resolved, That the members of the Suffolk Bar desire to express, at the earliest moment, their thorough appreciation of the great professional ability, the eminent public services, and the high character of their deceased associate, Hon. John P. Healy. In actual, continuous labor at this bar, he was one of the oldest members. He was well read in professional learning, a patient investigator, a safe counsellor, faithful to his clients, true to the court, and courteous to his opponents. But his greatest power, and his most extended influence, were in his character as a man. Simple in his tastes, unostentatious in his manners, kindly in his methods, with a keen sense of humor, his presence was always agreeable, and his influence for what was just and right was always pronounced and strong, and given with a sincerity utterly regardless of personal consequences and the makeshift expedients of timid and unreliable men. As a public officer in an important and most responsible position, Mr. Healy was entitled to all the consideration in which he has been held for a quarter of a century. In times when the seductions of power and luxury have greatly multiplied the temptations to unfaithfulness and a lax morality, he was absolutely pure and incorruptible. Coming in conflict often with claims which were considered just by their advocates, and thus exciting the earnest opposition of interested parties, the man does not live who would dare, in this community, to asperse his honor in the slightest degree. The death of our associate was so sudden as greatly to shock the natural sensibilities. It is less than a week since he was in the active performance of the duties of his office; but he had arrived at an age when the summons must soon come, and when it might be expected at any moment. The work that was set before him here has been done, and well done; the fruits are now his in the increased capacity for higher uses in a larger sphere.

After the resolution had been read by Mr. Chandler, the question being upon its acceptance, Mr. Seth J. Thomas said:—

"Mr. Chairman, I too have known Mr. Healy for many years; and I think I may say that I do not know of a man living on Saturday last, who, among all classes of our fellow-citizens, high and low, rich and poor, learned and ignorant, was better known than Mr. John P. Healy. It is in the mouth of everybody that I meet, 'A good man has departed'; but I, who have known him for so many years intimately, go further than that, and say that, in my judgment, he was both a good and a great man. His line was great, and he was great in that line. When two years or so ago I looked upon another old friend as he lay in his casket, and whose office was for so many years at No. 30 Court street, I said: 'How is it that such law, so much needed, is no longer audible?' And I found the answer to be, such is the law of nature. But, while my friend at No. 30 could tell me what the courts of England and of this country had decided in a gift case, perhaps quite similar, my friend at No 46 could tell me what the court must decide, or perhaps would decide, in this very case. If my friend at No. 30 had learning, my friend at No. 46 had wisdom. He had, as the significant expression is, 'a heap of common-sense.' And he was, through and through, an honest and sincere man. The old Chief

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Justice Bigelow once said: 'How is it that Mr. Healy gets his cases? He is so judicial that he argues the case of the other side as fairly as he does his own.' The reply was, 'That is true. He gets his cases because jurors believe in him, and if you rule the law with him he will be pretty sure to recover; for he never tries a case except he believes that he ought to win it.' He was frank, too, with his friends, and did not hesitate, even with Mr. Webster, to state how the matter rested in his mind. I recollect that, in the course of the trial of John Francis Knapp, at Salem, in which Mr. Webster acted as leading counsel for the government, it was with great difficulty that he could persuade the court — composed of Justices Putnam, Wilde, and Morton — that the testimony of Coleman, to whom Knapp had made a confession, was admissible; and when speaking to Mr. Healy some time afterward of the difficulty he had in getting that testimony into that case, Mr. Healy replied, 'Yes; but I don't believe you ought to have got it in.' I doubt if Mr. Healy had read Plato with care; but, by one who had, Mr. Healy would be regarded as a great favorite with Plato. I know of no man who would have conducted an examination in the protagaros or in the republic more as Plato did, in the method of Socrates. than Mr. Healy. I think I may say the city never had a more faithful public servant; and I believe that twenty years hence no man who may die in this city in the year 1882 will be better known by those who survive him at that time than Mr. Healy."

Mr. Thomas was followed by George O. Shattuck, Esq., who said: "I can add only a single word in support of what has already been said. Mr. Healy was a large man, with a strong intellect, warm affections, and broad sympathies. His success with juries was remarkable. He owed it to his weight of character, and to the general confidence in his integrity. He was not remarkable in the preparation of a case, but he relied on what he considered the main point. Probably no man at the Suffolk Bar had won from juries so many verdicts by reason of his weight of character and the confidence felt in his integrity as John P. Healy."

Judge Hoar, who spoke next, gave personal reminiscences of Mr. Healy's youth. He related his first acquaintance with Mr. Healy, when then only quite a young man in the office of Mr. Webster, and stated the impression which Mr. Healy then made upon him, as a miniature Daniel Webster. He was apparently as mature at that time as he found him years after. He also spoke of the great debt which the city of Boston owed to him for his steadfastness in resisting all that seemed to him to be wrong, and in doing what, and only what, he conceived to be right. Mr. Healy was one of those men who were incorruptible and immovable. J. Lewis Stackpole, Esq., spoke of his personal relations with Mr. Healy, as associated with him for some years in his office, and

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especially of the gentleness of his nature, the purity of his private life, and his consideration and tender care, especially for the younger men about him. Colonel Nettleton also spoke of his association with Mr. Healy as an assistant in his office during the last six or seven years, which ended only on the 1st of October last. He spoke of Mr. Healy's great bereavement in the loss of his only son and child, his constancy in business, and his sturdiness in opposing all attempts upon his integrity and honor. Philip H. Sears, Esq., said that Mr. Healy seemed to him to be a man who had an inexhaustible fund of common-sense; and A. R. Brown, Esq., spoke of his acquaintance with Mr. Healy as a student and classmate at Dartmouth College, and how he was the same counsellor to his class at that time as he was of those who sought counsel from him in later years.

The resolution was then unanimously adopted; and it was voted that copies be presented to the Supreme Court by the Attorney-General, and be sent to Mr. Healy's family, and that the bar attend the funeral in a body.

On the fourth day of March, 1882, the above resolution was presented to the Supreme Judicial Court by the Attorney-General, who said: —

"John P. Healy died on the fourth day of January last, passing away so suddenly that we scarcely missed his familiar and gracious presence before we were made aware that he had gone beyond our vision. Mr. Healy was a great lawyer, and a great man. Without any other ambition than that of usefulness he served this city as its principal law officer for a period of twenty-five years. It can never be known how much of the firmness, the integrity, the purity, the elevation of this city is due to his wise counsels and sturdy example. That Boston has maintained a municipal character surpassing that of any other city on this continent may be ascribed in large degree to him. One man, strong enough, courageous enough, able enough, to be always master of the situation, and of himself, in such a position as Mr. Healy so long held, is a power that restrains evil and enforces and advances good. No man has lived within the confines of this municipality who has deserved better of his fellow-men than John P. Healy.

"Of his great qualities as a lawyer of the first rank I will leave the resolution of the bar to speak. No poor words of mine can add to his reputation, or to the estimate of him which his brethren have so well expressed.

"It remains for me to read the resolution, and then to move, Your Honor, that it may have a place upon the records of this Court."

After the reading of the resolution by the Attorney-General,

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His Honor, Mr. Justice Charles Allen, in directing the resolution to be placed on the record, spoke as follows: —

"Mr. Attorney-General and Gentlemen of the Bar, — There is, of late, a sad frequency of occasions like this, when we meet to deplore the loss and bear loving testimony to the merits of honored members of our profession. The general sense, caused by so many deaths within so short a period of time, is undoubtedly one of rapid mutation. Those who have been here are gone; and many of those who are here will soon follow. This is natural. It finds expression in our common feelings and our common speech.

"There is, however, another lesson to be learned from these lives, and that is a lesson of encouragement and of inspiration. They have, one and all, been engaged in useful and honorable work. The investigation and determination of the principles by which nations or individuals must be governed in their dealings with each other, and on which their rights will depend in all the varied relations of national or human experience, and even the settling of existing rights and duties where no great principles are involved, but where individuals are unable to adjust their controversies for themselves, — all this is work of a high order, and most useful. We need not at this time, if ever, compare our profession carefully with others, with a view to see which is able to render the best service to mankind. Nor is this occasion suitable for the expression of our grateful recognition of the noble work done in other walks of life. But our thoughts are naturally turned to the consideration of the value and dignity of the way of life which we have selected for ourselves. And, with whatever doubts from others, with whatever despondency sometimes caused by the course of those who take the lowest view of their occupation, — who make it a struggle to obtain present advantages by any practicable means, or who seek to develop the greatest amount of controversy that a given state of facts will admit of, — we may well rest satisfied, on the whole, in the general conclusion which I have stated. No one can express this in loftier tone than that adopted by Webster at the meeting of the Suffolk Bar on the death of Judge Story.

"'Justice, sir,' said he, 'is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice, with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name, and fame, and character, with that which is and must be as durable as the frame of human society.'

"We accordingly cherish with a just pride the memories of worthy members of our profession who have been prominent, and

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of all those who have done their work faithfully and well, though not so prominently before the eyes of the world. Not one of all these, living or dead, but is held in affectionate regard or remembrance.

. . . . . .

"Mr. Healy, in dying, has given to us not so much the sense of change as of permanence. Not so old in years as some whose presence we still rejoice in, he was for a long time in the same official position. He administered its duties with judicial impartiality. In deciding questions which rested on the application of principles of law, he showed no prepossession for or against persons or political parties. His administration was absolutely unpartisan. We can hardly hope ever to see a better illustration of the true spirit in which an office like that which he so long adorned should be administered. Who can measure how much he has done during all these years to introduce steadiness, stability, and well-considered methods into the management of the affairs of this great city, and how much substantial advantage to this community has flowed, and will continue to flow, from such a life?

"And so, Mr. Attorney-General and Gentlemen of the Bar, animated, and encouraged, and inspired by the examples of these, our brethren, let us, in a like spirit, take up again the work which comes to each one of us.

"In compliance with your request, the resolution will be placed on record."

TRIBUTE BY THE ALUMNI OF DARTMOUTH COLLEGE.

The Dartmouth Alumni Association met at the Revere House on Saturday forenoon, January 7, to take action on the death of the Hon. John P. Healy, who had been president of the Association since its organization. Robert I. Burbank, Esq., presided, and there were also present the Hon. A. B. Coffin (secretary), Gen. Henry K Oliver, John H. Butler, Mr. Horatio G. Parker, the Hon. A. O. Brewster, the Rev. Luther Farnham (who numbered the Hon. Daniel Webster among his early parishioners), John L. Hayes, W. A. Herrick, Edward C. Carrigan, and others. On taking the chair Mr. Burbank read a feeling and appropriate eulogy on Mr. Healy, claiming that he was an honor to New Hampshire, to this Commonwealth, to Dartmouth College, to the bar, and to the good city he loved so well, and his loss is irreparable. The following resolutions were presented by Judge Parker: —

The Association of the Alumni of Dartmouth College, residing in Boston and vicinity, submissively recognizing the Divine hand and will in the sudden death of our honored and beloved brother alumnus and president, John Plummer Healy,—

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Resolved, That his sound and extensive learning, integrity, candor, clear sense, and practical skill as a lawyer and legislator, as well as his independent, firm, modest, and manly course and bearing, to the end of a life exceeding the allotted threescore years and ten, well earned the sincere admiration and affectionate confidence and regard which all who knew him well so freely and fully gave him; and we here express our sense and appreciation of the honor which his attainments, ability, and pure, well-rounded and evenly-balanced character and life have long reflected, and will long reflect, upon our honored *alma mater*, toward which he always manifested an unflagging interest and ardent love.

Resolved, That a copy of this resolution be sent to the family of the deceased.

The adoption of the resolution was moved by Gen. Oliver, who spoke of Mr. Healy from the stand-point of one outside the legal profession, and seconded by Mr. Butler. The Hon. Mr. Coffin said that while he placed Mr. Healy in the foremost rank of great men, he placed him at the head of good men. His character was of the noblest, and no one could be with him for any length of time without becoming imbued with a higher idea of men and of life. Mr. Hayes placed Mr. Healy above Rufus Choate in his power over juries. Mr. Carrigan and others paid eloquent tributes to the worth of Mr. Healy, and the resolutions were unanimously adopted by a rising vote. On motion of Gen. Oliver, it was voted to attend the funeral in a body, and to send a copy of the resolutions to the college.

EDITORIAL FROM THE BOSTON DAILY ADVERTISER OF JANUARY 5, 1882.

THE LATE JOHN P. HEALY.

In the death of the Corporation Counsel the bar laments with poignant grief the loss of an eminent lawyer of the older and better school, the city government is deprived of a long-trusted and skilful official servant, and the public at large respect his memory as that of a benefactor and friend. His career has been a long and a memorable one, although destitute of the accidents and incidents which serve to lend grace and romance to mortal life. He was brought up under Mr Webster, and was admitted to a more cordial intimacy with his master than fell to the happy lot of any other young man. He became his partner on being admitted to the bar. But the partnership brought little of the patronage of opportunity to the junior. Whoever came to the office came for the Great Expounder, and public duties kept him away from the local legal arena during three-quarters of the year. Mr. Healy's business in those days was very much that of a referee and auditor; but he soon began to collect around him a solid clientage, who learned to

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appreciate his worth as a first-rate legal adviser. With these his relations were most confidential and cordial. With these clients he was to the last in his manner simple, homespun, and affable, after a style all his own. He became a citizen of prominence, and a lawyer of eminence. He carried himself and received very much the supremacy of some local legal magnate of a country village, the great local jurist of the county, whose opinions are valued as oracular and accepted as better than judicial authority, and, as an individual, is looked upon as every man's trusted friend and confidential adviser. He worked cheap, made long hours, and did legal business in the old-fashioned way, giving clients a large service for a small fee; so that, before his retainer as the city's legal agent, he had established a capital legal business, and surrounded himself with troops of clients who thoroughly believed in him, and would patronize no one else. Very many of these still insisted on clinging to him after his official occupations compelled him to decline general business. The general public have little conception of the debt the city of Boston owes to John P. Healy for his long, faithful, able, and upright conduct of its legal interests. He was a veritable Solomon in all matters of legal right where the city was concerned. Whenever he recommended a settlement, it might well be regarded as certain that a settlement was the right thing and the best thing to be done. Whenever he chose a fight, a fight might be safely regarded as the prudent policy. He was totally uninfluenced by fear, favor, or hope of reward. He was rigidly upright and conscientiously incorruptible in thought, word, and act. He was no party to any frauds, and no fraudulent claimant ever looked to him for countenance or support. No just claim or claimant ever found in him other than a candid listener and a just judge. As a jury lawyer he was heavy and slow; but he was safe and sure. It was sometimes made a matter of complaint that, instead of going before juries in the city's heavy litigation and fighting the battles personally and alone, he too often either retained eminent and expensive counsel outside the office, or else sent his subordinates in to do his proper work. There was some ground for these complaints; but much less than was supposed by those predisposed to find fault. He doubted his own strength before the popular tribunal, and he had little taste for the wrangle of a jury trial; but he was a much more effective and powerful jury lawyer, and he came to have a distrust of jury trial. His integrity, candor, business tact, sound learning, and practical skill in arguing facts, gave him weight, influence, and strength with intelligent jurors far more than eloquence, elegance, and clamor could have afforded. During most of the time when he was open to these charges the office was understood to be very inadequately equipped for its multiform duties. The subsequent reorganization of the office was largely owing to his organizing capacity, and under him it

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came at last to be a thorough, systematic bureau of municipal justice.

The roll of city solicitors is a memorable one, and John P. Healy leads them all in conspicuously able service. Pickering, Chandler, Ranney, Hillard, Healy, are bright names in the official life of the city. His mind was purely legal, and his tastes were for the law. He was thoroughly grounded in the principles of the law. He was not a man of genius, but a legal mechanician of the first order. He was not, as compared with mere bookworms, a great student of the books, either in the text-books or the reports; but he was well enough in both those lines of legal learning for all practical purposes. In all the law relating to towns and cities and municipal corporations he was thoroughly booked on authority and principle, and long experience therein made him a thorough adept. His opinions were sought on such matters from all parts of the State, and deservedly passed for oracles and models. He was a quiet, modest, and unpretentious man. He never pushed for place or prominence. The few official trusts which came to him came in every instance without seeking on his part, and were due solely to the fitness of the man for usefulness in the place. He more than once declined preferment, desiring to live and die a practising lawyer, and he has died in harness. He belonged to no rings and took part in no cabals. He belonged to no mutual admiration societies, and he had no lot with schemes and schemers. He was a downright, good-natured, true, and upright man. The stain of dishonor or the reproach of scandal never reached him. He had no vulgar ambition to make a noise in the world; and yet, by virtue of his character and ability, he came to a position and achieved a fame of which any ambitious man would have been proud. Although not a scholar or a man of letters, he was very much more than a mere lawyer and jurist. He was not a man of comprehensive general reading, and had nothing of the vulgar pride of the bookman; but he was a well-informed and a wise man. He was, besides, a delightful social companion, and, as a conversationalist, rich, racy, and rare. He delighted to recount his recollections of his great master, and would stand with you for an hour on the street corner, indulging in rich enlightenment on the personal character, life, and traits of his eminent friend. He was thoroughly loyal to the memory of the great statesman. With Healy, if with nobody else, the great, austere man would lay aside all his state, and unbend and stoop to fun and frolic, grotesque and democratic. John P. Healy was a character at the Boston Bar, not in the sense of eccentricity, but of unique individuality. He was a character in his looks, in his manners, and in his views. He was a sturdy and manly thinker, and had opinions of his own which he never hesitated, on appropriate occasion, to express. The Boston Bar, within the memory of many of its present members, has had not a

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few contemporaries with Mr. Healy, who, by virtue of intrinsic personality, should be ranked as characters: Henry H. Tuller, with his blue coat and spencer, and thickly-padded white choker; W. R. P. Washburn, whose downcast and abstracted mien and slow pace made him seem the legal monk; Thompson Miller, the small lawyer, but great theologian; Ben Rand, the walking legal encyclopædia; Augustus H. Fiske, with bald pate, cheery face, and genial if profanely rough manners, the best reproduction on our soil of the ideal English attorney; and, lastly, him who now survives them all in a green old age, still devoted to the quiet duties of a practising jurist, the best reproduction, in our day at least, of an English barrister, — Sidney Bartlett.

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